-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 1 of 40 Attorney: Address: Phone Number: Fax Number: Beverley & Boumgartner (Signature) BEVERLY I. BAUMGARTNER (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 2 THURSTON WAY YERINGTON NV 89447 (Address) 775 463 2394 (Telephone number)

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 2 of 40

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defense	s or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based on a d	efect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	

Date: 6/13/06

Signature

TOHN G. BAUMGARTNER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons or to the service of the Notice in u of Summons, and may later object to the jurisdiction of the court or to the place where the action has been brought.

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 3 of 40

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 vs. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 l. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73-cv-0.0127-MMD-CSD Document 4 Filed 11/13/96 Page 4 of 40 Attorney: Address: Phone Number: Fax Number: (Signature) JOHN G. BAUMGARTNER (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 2 THURSTON WAY YERINGTON NU 89447 (Address) 775 463 2394 (Telephone number)

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 5 of 40

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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Date: 7-10-06

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 6 of 40

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Summons.	

Date: 2-10-06

Steven G. Bea

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: _____ (Title)

(Corporate, Trust, Partnership or other entity)

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Case 3.73-cv-00/27-MMD-CSD Document 4 Filed 11/13/06 Page 7 of 40

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When Recorded Mail To:	A CONTRACTOR OF THE STATE OF TH		
Ken and Ethel Bean 31 Highway #208		223021	
Yerington, NV 89447 (2-041-01			
CPTT 4 8	QUITCLAIM DEED		
THIS INDENTURE mad	e the . 2/F day of <i>August</i> . 1998.	by and between	数数据
KENNETH R. BEAN and in common the parties of the first	d ETHEL R. BEAN, as joint tenants with i part, and KENNETH R. BEAN AND I BREEN PAMILY TRUST dated May I	right of survivorship and not as tenans	
KENNETH R. BEAN a ETHELR SEEAN FAMILY (TRUC L. and to its heirs and assigns foreyer	iid ETHEL R. BEAN , hereby transfer tit Transfer did and do by these p	le to the KENNETH R. BEAN AND presents quitclaim unto the said trust.	
Section 22 at the intersection of M East 3384 70 fret, thence West 390 Hience along Woodcock Ditch North	West right of way line of said Highway fr sin and Bridge Streets in Yerington, Neva 1,00 feet to a point on the Northerly side heol 101 26° East 454.12 feet tothe interst aid right of way line South 0°20° West 22	da, is 30.00 feet East and North 0°20 of the bottom of the Woodcock Ditch; ection with the West right of way line	
EXCEPTING THEREFRO The deed to Robert J. Rhodes and Ed of said Lyon County Neyada	M any portion thereof lying within the lar lia Rhodes recorded April 10, 1945, in Bo	id described in exception parcel (a) of pok 33 of Deeds, at page 357, records	
Together with the tenement	s, hereditaments; and appurtenances thereu mankler and remainders; rents, issues, ar	nto belonging or anywise appertaining	
	id premises, together with the appurtenance		
and to their heur and assigns foreyo	arties of the first part have executed this		
<u>Xeddia R. Be</u> a Kenneth r. Jean	ETHELR BEAN	Gant "	
State of Nevaca) 68. County of Douglas (*		MICHOFILMED	
On <i>Quayus 21: 1998</i> . ETHELR BEAM, personally know	personally appeared before me, a Notar n of proved to me to be the persons whos	y Public, KENNETH R. BEAN and se names they subscribed to the above 23021	
	hat they executed the above Instrument.	CYON COUNTA, NEV.	
NOTARY PUBLIC	LYNN E. RYAN Molary Public State of Nevada Appoir ann Recorded in County of County 1-5 My Appointment Expires May 4, 2002	NANCY REY JACKSON 98 AUG 31 PH 2: 13	
) '98-27s	15 W ASSOCIATION EXPERT USE 4, 2007	NANCY H. CARR COUNTY RECORDER FEE 700-0FP. E-8	1

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 8 of 40

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 9 of 40

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	Kenneth R. Bean	
Date: <u>8 - 04 - 06</u>	SignatureKenneth R. Bean	of
•	Printed/Typed Name	
	If you are acting on behalf of any entity, ide	entify that you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other er	ntity)

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Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 10 of 40

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0/0//	Carlobell	
Date: <u>2/21/06</u>	Signature (ARL D. BELL	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that yo	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 12 of 40

1	Attomey:	
2		
3	Address:	
4		-
5		·
6	Phone Number:	
7	Fax Number:	1 And M
8		Cashisell
9		(Signature)
10		
11		CARL D BELL
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		
18		(Address)
19		(Telephone number)
20		
21		
22		

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 13 of 40

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Date: 6-19-2006

DON BENT/E

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

_____of

(Corporate, Trust, Partnership or other entity)

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Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/96 Page 14 of 40



January 2, 2006

Susan L. Schneider, Attorney U.S. Dept. of Justice P. O. Box 756 Littleton, CO 80160-0756

Regarding the civil action mentioned in the attached documents, we have no interest in any water rights in Lyon County at this time. We lived there from 1991 to 1995 and have sold any and all property we had there.

Sincerely,

Raymond D. Bergstrom

Cynthia K. Bergstrom

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 15 of 40

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN 10-621-03 Document Transfer Tax \$778.05 Order No. TSL-25633 Mail Tax Bill to Grantee: P.O. BOX 303 WELLINGTON, NEVADA 89444

Title Service & Escrow Co. 03 0CT 29 PM 3: 19

MARY C. MILLIGAN COUNTY RECORDER

TEE 1500EP. MK

SPACE ABOVE FOR RECORDER'S USE ONLY

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

RAYMOND D. BERGSTROM and CYNTHIA K. BERGSTROM, husband and wife

do (es) hereby GRANT, BARGAIN and SELL TO

JUAN VERDUGO and MARIA NVERDUGO, husband and wife as Joint Tenants with the Right of Survivorship

All that certain real property being a portion of SW 1/4 of NW 1/4 and NW 1/4 of NW 1/4, Section 2, T 10 N, R 23 E, M.D.B &M., Lyon County, Nevada, described as follows:

Commencing at the point of intersection of the West line of Section 2 and the Southerly right of way line of State Route 208, from which point the West 1/4 section corner bears South 0°36'05" East 1466.82 feet, thence along said Southerly right of way line through a curve to the left with a radius of 2,050 feet and length of 249.12 feet subtended by a central angle of 6°57'46" and chord bearing South 38°21'14" East 248.97 feet to a 1/2" iron pin marking the point of beginning of the parcel of land herein described, thence along a curve to the left with a radius of 2,050 feet and length of 543.54 feet subtended by a central angle of 15°11'30" and chord bearing South 49°31'16" East 541.95 feet to a concrete right of way monument, thence South 57°32'40" East 59.42 feet to a 5/8" iron pin with cap marked PLS 4045, thence South 19°58'05" West 234.85 feet, thence North 35°03'13" West 149.86 feet, thence North 44°52'22" West 106.27 feet, thence North 65°11'39" West 183.78 feet, thence North 25°00'01" West 234.24 feet, thence North 9°31'07" West 96.19 feet, thence North 69°48'49" East 64.43 feet to the point of beginning.

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Legal Description appeared previously in Document No. 226641, recorded on November 30, 1998, Official Records of Lyon County, Nevada. TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof. STATE OF WYOMING ss. _ personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), RAYMOND D. BERGSTROM who acknowledged to me that he executed the within instrument. LUANN BRUHNS County of STATE OF WYOMING ss. COUNTY OF _ personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), RAYMOND D. BERGSTROM who acknowledged to me that he executed the within instrument.

Notary Public

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RFTT \$249.60 AFN 10-621-03

P.O. Box 1044 Thayne, WY 83127

TITLE SERVICE AND ESCROW COMPANY, a Nevada corporation, hereinafter referred to as Trustee, does hereby Grant and Convey, without covenant or warranty, expressed or implied to RAYMOND D. BERGSTROM and CYNTHIA K. ERGSTROM, husband and wife as Joint Tenants with the Right of Survivorship hereinafter referred to as Grantee, all of that certain teal property situate in the County of Lyon, State of Nevada, described s follows:

All that certain real property being a portion of SW 1/4 of NW 1/4 and SW 1/4 of NW 1/4, Section 2, T 10 N, R 23 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Commencing at the point of intersection of the West line of Section 2 and the Southerly right of way line of State Route 208, from which point the West 1/4 section corner bears South 0°36'05" East 1466.82 feet, thence along said Southerly right of way line through a curve to the left with a radius of 2,050 feet and length of 249.12 feet subtended by a central angle of 6°57'46" and chord bearing South 38°21'14" East 248.97 feet to a 1/2" iron pin marking the point of beginning of the parcel of land herein described, thence along a curve to the left with a radius of 2,050 feet and length of 543.54 feet subtended by a central angle of 15°11'30" and chord bearing South 49°31'16" East 541.95 feet to a concrete right of way monument, thence South 57°32'40" East 59.42 feet to a 5/8" iron pin with cap marked PLS 4045, thence South 19°58'05" West 234.85 feet, thence North 35°03'13" West 149.86 feet, thence North 44°52'22" West 106.27 feet, thence North 65°11'39" West 183.78 feet, thence North 25°00'01" West 234.24 feet, thence North 9°31'07" West 96.19 feet, thence North 69°48'49" East 64.43 feet to the point of beginning.

This conveyance is made pursuant to the authority and powers vested in the Trustee, successor Trustee or substituted Trustee under the terms on that certain Deed of Trust executed by MICHAEL H. NELSON and LAURIE L. NELSON as Trustor and recorded in the Official Records of Lyon County, Nevada, on JUN 20, 1995, as Document No. 183334; and

Pursuant to a Notice of Default recorded in the Official Records of Lyon County, Nevada, on JUL 29, 1998, as Document No. 221723, the Trustee having complied with all applicable statutory requirements of the State of Nevada and performed all duties required by the Deed of Trust.

A Notice of Trustee's Sale was published once a week for three consecutive weeks, commencing on November 6, 1998, in the Mason Valley News the local Newspaper and at least twenty days before the date of sale, a copy of the Notice of Trustee's Sale was posted in three public places in the City of Yerington and in three public places in the Judicial Township of Smith Valley.

At the place and time fixed in the Notice of Trustee's Sale, the Trustee did sell the aforementioned property at the public auction to the Grantee, being the highest bidder, in full satisfaction of the indebtedness secured by said Deed of Trust.

IN WITNESS WHEREOF, TITLE SERVICE AND ESCROW COMPANY, a Nevada corporation, as Trustee, has this day caused its corporate name to be affixed hereto and this instrument to be executed by its authorized officer.

DATED November 25, 1998

TITLE SERVICE AND ESCROW COMPANY

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NOTICE OF DEFAULT AND ELECTION TO SELL

Order No. TSL-19366F

TO WHOM IT MAY CONCERN:

WHEREAS, MICHAEL H. NELSON and LAURIE L. NELSON as Trustor did execute a Deed of Trust wherein TITLE SERVICE AND ESCROW COMPANY, a Nevada corporation is Trustee for RAYMOND D. BERGSTROM and CYNTHIA K. BERGSTROM Beneficiary, as security for payment of their Promissory Note made, executed and delivered on June 20, 1995, to said Beneficiary, and which said Deed of Trust was recorded in the Official Records of Lyon County, Nevada, on JUN 20, 1995, as Document No. 183334; and

WHEREAS, a breach of the obligation for which said Deed of Trust is security has occurred in that default has been made in the payment of the installment of principal and/or interest which became due on September 20, 1997, and in the payment of such subsequent installments that became due, in the payment of any late charges which may be due, also in the payment of any Real and/or Personal property Taxes which may be delinquent and the premiums for Policy or Policies of Fire Insurance which may be due or overdue and all costs in connection with this foreclosure, including but not limited to reasonable Attorneys Fees, Trustees Fees, Trustees Sale Guarantee and all expenses of Trustee.

NOTICE IS HEREBY GIVEN that the Beneficiary has elected to consider all unpaid balance of principal and the interest accrued thereon to be due inconsequence of said default, all in accordance with the terms of said Promissory Note and Deed of Trust and the Beneficiary has elected to sell or cause to be sold the Real and Personal Property described in said Deed of Trust, to satisfy said obligation.

YOU MAY HAVE the right to cure the default and reinstate the obligation secured by the Deed of Trust described herein. To determine if reinstatement is possible or to get any information on this foreclosure, contact the office of TITLE SERVICE AND ESCROW COMPANY, 34 S. Main St. Suite A Yerington, NV 89447, Telephone 702-463-3518, between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday.

DATED July 29, 1998

TITLE SERVICE AND ESCROW COMPANY

SAM T. ROSS, President

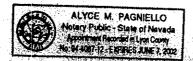
STATE OF NEVADA

88.

COUNTY OF LYON

On July 29, 1998, personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), SAM T. ROSS who acknowledged to me that he executed the within instrument.

Notary Public



RECORDERS USE



OFFICIAL RECORDS Lyon County, Nev. Record requested by

Title Service & Escrow Co 98 JUL 29 AM 8: 37

NANCY M. CARR
COUNTY RECORDER
FEE / DEP. 1

Case 3:73-cv 00127-MMD-CSD Document 4 Filed 11/13/06 Page 19 of 40

STATE OF NEVADA)

COUNTY OF LYON)

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Stephance Jackson,



RECORDERS USE

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OFFICIAL RECORDS Lyon County, Ney. Record requested by

Title Service & Escrow Co 98 NOV 30 AM 9: 36

> HANCY M. CARR COUNTY RECORDER

Titles Report

M.RAYM BERGSTROM CYNTHIA	AND THE SON, MICHAEL	A Branch Comment of the Comment of t	
App. Report New Owner 55254 04-22-99 BERGSTRO OND/C 55254 06-03-96 NEL SON	MICH		

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 21 of 40

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10 July 2006

Signature Douald T. Bernard

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: _____(Title)

_ oi

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 1 of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA,)	
4	Plaintiff,)	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6) Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7)	BOBI ELE NO. E 125 E
8	vs.) WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,)	
10	NOTICE OF APPEARANCE AND INT	ENI TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-	proceeding in this case.
12	2. I am filing this document with the Distric	ct Court at the following address:
13	. Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my	Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Divisi P.O. Box 756	on
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am actir	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
27	telephone number, and facsimile number:	·
28		
- 11	lt	

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 23 of 40

1	Attomey:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Sonald Bemard
8		
9 ((Signature)
10	·	- 1
11		Donald J. Bernard
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing) 20A Fox LN.
17		Yerington, Nv. 89447-943
18		(Address)
19		(Telephone number)
20		
21		· · · · · · · · · · · · · · · · · · ·
22		

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 24 of 40

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER PIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8-8-06

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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M		nd Natural Resources, Division of W	STATUS:		use: Irrigation
2	CURRENT HOLDER(S) SHOWN BY THE ST		DIAIOS.	r cinit	DEE. HIIGAUUI
	Matthew P. Berry and Yvette R. Berry				
		e, please use Item 13 Remarks: or ottach 8 1/2" X 11" she			
3	NEW HOLDER(S) or BENEFICIARY(S): Ri	ghtWay Investments Smith Valle	y, Inc.		
·	ADDRESS: 5945 Los Altos parkway, Si		ODE: 89436	BILONE	606 4444
				PHONE:	
4	INVENTORY DOCUMENTS BY CATEGORY DEED(S)	AND NUMBER OF EACH IN CH DRRECTION DEED(S)	AIN OF TIPLE. OTHER:	See G	uidelines Page 2
ł		CONVEYANCEat no charge	TOTAL NUMBER OF		
- 1	` 	AP(S) at no charge F OF ID at no charge	TOTAL # X \$10 each Report filing fee = \$2		\$ 10 .00 \$ 25 .00
.	DECREE(S) OF DISTR 0	THER:	TOTAL FEES SUBMI	TTED*	\$ 35 .00
5	*ONE, ONE-TIME \$25 FILING FEE MUS	T ACCOMPANY THESE REPORT(S) +\$	10 PER CONVEYANCE DOC	UMENT LISTE	D ABOVE.
6	This REPORT requires an ABSTRACT	. · . =			holder(s) of
	record (ITEM 2) with the Division of Water Resou (ITEM 3). Document(s) must be recorded in the O		,	oi recora	
- 1	If the legal description on any deed(s) different than the place of use in a Quarter/Quarte				iation(s)
	is required. Copies of maps should be 8 1/2" x 11"			ii sand deed(s)	
7	LIST SUPPLEMENTAL RIGHTS:				
8	COUNTY: POINT OF DIVERSION:	Lyon COUNTY: I	PLACE(S) OF USE:		Lyon
9	PLACE(S) OF USE: Qtr Qtr.	Sec TWNSHP	13N RANGE 24E A	APN:	See #15
(0	AMOUNT (DUTIES) TO BE ASSIGNED:	CFS616.88 _AC	RE-FEET or MGA	163.43 AC	RES or UNITS
11	DOES THE CURRENT HOLDER INTEND TO	RETAIN ANY PORTION OF TH	E WATER RIGHT?	YES	NO <u>X</u>
12	IS AN APPLICATION TO CHANGE THE P.C	D.D. P.O.U., OR M.O.U. OF THIS R	IGHT TO BE FILED?	YES	NO X
13	IF AN APPLICATION TO CHANGE THE P.C	D.D, P.O.U., OR M.O.U. IS ALREA	DY FILED, INDICATE T	HE NUMBER	·
14	List any other water rights relating to this Repo	ort of Conveyance that has been file	d using this same abstract	and chain of (itle.
	Permit Nos. 69416, 69417, 69418 and 69419		_	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
15	Additional Space/Remarks: #9 - Place	of Use : SW1/4, NW1/4 \$E1/4, SV	V114 SE114 and the SE1	IA CENIA of C	action 40
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. 10	"I swear, under penalty of perjury, that this repre in which the water is placed to beneficial use o				
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	BEFORE ME THIS 29 Thay OF	PRINT NAME:	Michael D. Buschel	man	
	melharch xx2000	MAILING ADDRESS:	P.O. Box 5	1371	
		FIRM NAME: Mi	chael D. Buschelman Co	nsulfing Inc	
	(SS) Notary Signature Required	· · · · · · · · · · · · · · · · · · ·			
	NOTARY PUBLIC IN AND FOR THE	CITY: Sparks	STATE: NV	ZIP CODE: _ PHONE: 7:	89435 75.355.0639
	COUNTY OF Whalel	diame			
) 1	STATE OF NOWARL	MA	RY ROTH		/NER?:
,	MY COMMISSION EXPIRE 6-18-06	Notary Publ	ic - State of Nevada	AG	ENT?: <u>X</u>
	m Commodon Ext INE 015 TUC	No: 02-76479-2	corded in Washoe County - Expires June 18, 2006	E	xhibit 32
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7		16 PROOF, or CLAIM No.:	STAT
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3	NEW HOLDER(S) or BENEFICIARY(S): Rig	ahtWay Investments Smith Valle	v. Inc.
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	ADDRESS: 5945 Los Altos parkway, Su CITY: Sparks ST		ODE: 89436
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۱ ا	INVENTORY DOCUMENTS BY CATEGORY DEED(S)	AND NUMBER OF EACH IN CH DRRECTION DEED(S)	AIN OF TITLE. OTHER:
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5	*ONE, ONE-TIME \$25 FILING FEE MUS	T ACCOMPANY THESE REPORTS) +	IN PER CONVEYANCE
6	This REPORT requires an ABSTRACT		
۱ ۳	record (ITEM 2) with the Division of Water Reson	<u> </u>	· ·
-	(ITEM 3). Document(s) must be recorded in the Of If the legal description on any deed(s) i		1.7
-	different than the place of use in a Quarter/Quarter		
	is required. Copies of maps should be 8 1/2" x 11" o	or 11" x 17". Please refer to Guldeit	nes sheet for details_
	LIST SUPPLEMENTAL RIGHTS:		
	COUNTY: POINT OF DIVERSION:	Lyon COUNTY: 1	PLACE(S) OF USE:
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,	DOES THE CURRENT HOLDER INTEND TO	RETAIN ANY PORTION OF TH	E WATER RIGHT -
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3	IF AN APPLICATION TO CHANGE THE P.O	,	
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4	List any other water rights relating to this Repo Permit Nos. 69415, 69417, 69418 and 69419	ert of Conveyance that has been file	d using this same alm
ı	Ferrint 1908. 094 13, 634 17, 634 10 MHZ 654 17		
-		All Maria Maria America	
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6	"I swear, under penalty of perjury, that this repre-	· · · · · · · · · · · · · · · · · · ·	
	in which the water is placed to beneficial use of	r diverted from its natural source and	the records on file im
	SUBSCRIBED AND SWORN TO	SIGNATURE: Mold	W.DA)-
	BEFORE ME THIS 29 DAY OF	PRINT NAME:	Michael D. Bez
	malla 57/2 - 172 0000	MAILING ADDRESS:	P.O.
	(35) Mary Ly	FIRM NAME: MI	chael D. Buschelm
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+	State of Nevada Case 3:73-cv-0.04279\M\dD-03D Documenty44FN6dE11/13/06 Page 28 o
E	of a water right to Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer
1	APPLICATION/PERMIT No. Permit 69416 PROOF, or CLAIM No.: STATUS: Permit USE: Irrigation
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER: Matthew P. Berry and Yvette R. Berry
İ	
	If any stem require: additional space, please use item 13 Remarks: or attach 3 1/2" X 11" sheets referencing appropriate item number.
3	NEW HOLDER(S) or BENEFICIARY(S): RightWay investments Smith Valley, Inc.
	ADDRESS: 5945 Los Altos parkway, Suite 101 CITY: Sparks STATE: NV ZIP CODE: 89436 PHONE: 626-4144
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. See Guidelines Page 2
	DEED(S)
	DEED(S) OF TRUST
1	DEATH CERTIFICATES AFF OF ID at no charge Report filing fee = \$25.00 \$ * .00 DECREE(S) OF DISTR OTHER: TOTAL FEES SUBMITTED* \$ 10 .00
5	
	ONE, ONE-TIME \$25 FILING FEE MUST ACCOMPANY THESE REPORT(S) +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.
6	This REPORT requires an AESTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record
	(ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s). If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s)
	different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to Guidelines sheet for details.
7	LIST SUPPLEMENTAL RIGHTS:
8	COUNTY: POINT OF DIVERSION: Lyon COUNTY: PLACE(S) OF USE: Lyon
9	PLACE(S) OF USE: Qtr. Qtr. Sec. TWNSHP 13N RANGE 24E APN: See #15
0	AMOUNT (DUTIES) TO BE ASSIGNED: CFS 653.72 ACRE-FEET or MGA 163.43 ACRES or UNITS
.11	DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES NO X
12	IS AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES NO X
13	IF AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER:
14	List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title. Permit Nos. 69415, 69417, 69418 and 69419
4.	A Miller C
15	Additional Space/Remarks: #9 - Place of Use: SW1/4, NW1/4 SE1/4, SW1/4 SE1/4, and the SE1/4 SE1/4 of Section 19, T13N, R24E, MDM; and the NW1/4, NE1/4, NW1/4 SW1/4, NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 30,
	113N, R24E, MOM.
16	"I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the pecords on file in the office of the state engineer."
	SUBSCRIBED AND SWORN TO SIGNATURE: Michael Disable Chan
	BEFORE ME THI: 20 DAY OF PRINT NAME: Michael D. Buschelman
	MAILING ADDRESS: P.O. Box 51371
	FIRM NAME: Michael D. Buschelman Consulting, Inc.
	CITY: Sparks STATE: NV ZIP CODE: 89435
	NOTARY PUBLIC IN AND FOR THE PHONE: 775-355-9628
	COUNTY OF CLOSURE OWNER?:
1	STATE OF Notary Public - State of Nevada AGENT?:X MY COMMISSION EXPIRE 6-18-00 Appointment Recorded in Washoe County
	MY COMMISSION EXPIRE 6-(8-0) Appointment Recorded in Washoe County No: 02-76479-2 - Expires June 18, 2018
	NOTARY STAMP
	THIS POURI IS STORY BODIN CAN BE CODIED ONTO COLUMN BARES ON V

	Case	e 3:73-0	v-0012	7-MMC	-CSD I	ى Docume	nt 4 Fi	ed 11/1	3/06	Page 29 of 40
Type int in black ink only								Matthew P. Berry and Yvett R. Berry	GRANTOR	
								Rightway investments Smith Valley, LLC, a Nevada limited liablity company	GRANTEE	ABSTRACT OF TITLE
\		·							CFS	H
								653.72	AFA/AFS MGA/MGS	(circle one)
								163.43 ac	ACRES or Units	(Circle one)
										This column for office use only
								Doc #376994 Sig. 3/09/2006 Rec. 3/10/2006	Recorder's Document # DATE	Permit/Proof
ABSTRACT XLT								Grant, I	DOCUMENT DESCRIPTION/ REMARKS	

1	State of Nevada PORT OF CONVEYANCE
E	PORT OF CONVEYANCE Case 3:73-cv-Q0127-MMD Constitution of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer
M 1	APPLICATION/ PERMIT No. Permit 69417 PROOF, or CLAIM No.: STATUS: Permit USE: Irrigation
-,-	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER:
ì	Matthew P. Berry and Yvette R. Berry
	If any item requires additional space, please use Item 13 Remarks; or at lach 8 1/2" X 11" sheets referencing appropriate item number.
3	NEW HOLDER(S) or BENEFICIARY(S): RightWay Investments Smith Valley, Inc.
	ADDRESS: 5945 Los Altos parkway, Suite 101
	CTTY: Sparks STATE: NV ZIP CODE: 89436 PHONE: 626-4144
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. See Guidelines Page 2 OTHER:
	DEED(S) OF TRUST RECONVEYANCEst no charge TOTAL NUMBER OF \$\$ DOCUMENTS => 1
1	NOTICE(S) OF PLEDGE MAP(S) at no charge TOTAL # X \$10 each = \$ 10 .00 DEATH CERTIFICATES AFF OF ID at no charge Report filing fee = \$25.00 \$ * .00
	DECREE(S) OF DISTR
5	*ONE, ONE-TIME \$25 FILING FEE MUST ACCOMPANY THESE REPORT(S) +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE,
6	This REPORT requires an ABSTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of
	record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s).
	If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s)
	different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to Guidelines sheet for details.
7	LIST SUPPLEMENTAL RIGHTS:
8	COUNTY: POINT OF DIVERSION: Lyon COUNTY: PLACE(S) OF USE: Lyon
9	PLACE(S) OF USE: Qtr. Qtr. Sec. TWNSHP 13N RANGE 24E APN: See #15
10	AMOUNT (DUTIES) TO BE ASSIGNED: CFS 616.88 ACRE-FEET or MGA 154.22 ACRES or UNITS
4	DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES NO X
12	IS AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES NO X
13	IF AN APPLICATION TO CHANGE THE P.O.D, P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER:
14	List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title.
İ	Permit Nos. 69415, 69416, 69418 and 69419
15	Additional Space/Remarks: #9 - Place of Use : SW1/4, NW1/4 SE1/4, SW1/4 SE1/4, and the SE1/4 SE1/4 of Section 19, T13N, R24E, MDN; and the NW1/4, NE1/4, NW1/4 SW1/4, NE1/4 SW1/4, NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 30,
	T13N, R24E, MOM.
16	" I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."
	SUBSCRIBED AND SWORN TO SIGNATURE: Mchail Susah, Wan
	BEFORE ME THIS 29th DAY OF PRINT NAME: Michael D. Buschelman
	MAILING ADDRESS: P.O. Box 51371
	FIRM NAME: Michael D. Buschelman Consulting, Inc.
	Notary Sprinter Records
	CITY: Sparks STATE: NV ZIP CODE: 89435 NOTARY PUBLIC IN AND FOR THE PHONE: 775-355-9628
	MARY ROTH
÷	STATE OF Notary Public - State of Neverta AGENT?: X MY COMMISSION EXPIRE 6 18 -06 Appointment Recorded in Washen Quarty
	WIT OCHINGOSON EAT INC. 18 TO TO

Appointment Recorded in Washing County No: 02-76479-2 - Expires June 19, 2009

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																	ļ	or Units	ACRES	(circle one)			
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NOTICE(S) OF PLEDGE MAP(S) at no charge TOTAL # X \$10 each = \$ 10 .0 DEATH CERTIFICATES AFF OF ID at no charge Report filing fee = \$25.00 \$.0		REPORT	of a water righ	it to	EYANC				
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NEW HOLDER(S) or BENEFICIARY(S): RightWay Investments Smith Valley, Inc. ADDRESS: 5945 Los Altos parkway, Suito 101 CTTY: Sparks STATE: NV ZIP CODE: 59435 PHONE: 626-4144 INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. DEED(S). TITLE: NO CORRECTION DEED(S). OF TITLE. DEED(S). TITLE: NO CORRECTION DEED(S). OF TITLE. DEED(S). TITLE: NO CORRECTION DEED(S). OF TITLE BEED(S) OF TRUST. RECONVEYANCE. He does not have transported by the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Correction of the Suite Register. In Correction of the Correction of the Correction of the Suite Register. In the repactor of the Correction of the Correction of the Suite Register. In the repactor of the Suite Register. In the Register, the Propagator of the Suite Register. In the Register, the Propagator of the Suite Register. In the Register, the Register of the Suite Register. In the Register of the Suite Register. In the Register of the Suite Register. In the Register of the Suite Register. In the Register of the Suite Register. In the Register of the Suite Register. In the Register of the Suite									
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COUNTY: POINT OF DIVERSION: Lyon COUNTY: PLACE(S) OF USE: Lyon PLACE(S) OF USE: Qtr. Qtr. Sec. TWNSHP 13N RANGE 24E APN: See #15 AMOUNT (DUTIES) TO BE ASSIGNED: CFS 608.16 ACRE-FEET or MGA 152.04 ACRES or UNITS DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES NO) IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES NO) IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER: List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title. Permit Nos. 69415, 59416, 69417 and 69419 Additional Space/Remarks: #9 - Place of Use: SW1/4, NW1/4 SE1/4, SW1/4 SE1/4, and the SE1/4 SE1/4 of Section 19, T13N, R24E, MDM; and the NW1/4, NE1/4, NW1/4 SW1/4, NE1/4 SW1/4, NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 30, T13N, R24E, MDM. *I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the febroris on file in the office of the state engineer.* SUBSCRIBED AND SWORN TO SIGNATURE: Wichael D. Buschelman MALLING ADDRESS: P.O. Box 51371 FIRM NAME: Michael D. Buschelman Consulting, Inc. Type CODE: 89435 PHONE: 775-355-9628 COUNTY OF COUNTY OF							said deed(s	s)	
PLACE(S) OF USE: Qtr. Qtr. Sec. TWNSHP 13N RANGE 24E APN: See #15 AMOUNT (DUTIES) TO BE ASSIGNED: CFS 608.16 ACRE-FEET or MGA 152.04 ACRES or UNITS DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES NO) IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U. OF THIS RIGHT TO BE FILED? YES NO) IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER: List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title. Permit Nos. 69415, 69415, 69417 and 69419 Additional Space/Remarks: #9 - Place of Use: SW1/4, NW1/4 SE1/4, SW1/4 SE1/4, and the SE1/4 SE1/4 of Section 19, T13N, R24E, MDM; and the NW1/4, NE1/4, NW1/4 SW1/4, NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 30, T13N, R24E, MDM. *I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the Perords on file in the office of the state engineer.* SUBSCRIBED AND SWORN TO SIGNATURE: CLILL SCALUL	一	LIST SUPPLEMENTAL RIGHTS:							
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SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF MICHAEL D. Buschelman MAILING ADDRESS: P.O. Box 51371 FIRM NAME: Michael D. Buschelman Consulting, Inc. CITY: Sparks STATE: NV ZIP CODE: 89435 PHONE: 775-355-9628			1134	, RZ4C, MUM.					
SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF PRINT NAME: Michael D. Buschelman MAILING ADDRESS: P.O. Box 51371 FIRM NAME: Michael D. Buschelman Consulting, Inc. CITY: Sparks STATE: NV ZIP CODE: 89435 PHONE: 775-355-9628	6								
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NOTARY PUBLIC IN AND FOR THE PHONE: 775-355-9628		(SS) Mary (Some	FIRM NAME:	Mi	chael D. Buscheln	nan Cons	sulting, Inc	3.	_
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COUNTY OF 11 P. A. L. A. A. C.					•	P	HONE:	775-355-962	28
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STATE OF Notary Public - State of Neverte Agent?: X		NOTARY PUBLIC IN AND FOR THE	Constant resistant					WNER?:	
MY COMMISSION EXPIRE 6.18.06 No. (2.75679.2 - Explos June 18, 274.5		NOTARY PUBLIC IN AND FOR THE COUNTY OF <u>Ubslice</u> STATE OF <u>Newado</u>		MA' Notary Publi	RY ROTH ic - State of Nevada	The state of the s	0		X

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															LLC, a Nevada limited liablity company	Rightway Investments Smith Valley,		GRANTEE	ABSTRACT OF TITLE	
<u>}</u>																		CFS	m L	
																608.16	MGA/MGS	AFA/AFS	(circle one)	
																	or Units	ACRES	(circle one)	
													-				DATE		This column for office use only	
															Rec. 3/10/2006	Doc #376994 Sig. 3/09/2006	DATE	Recorder's Document #	Į. º	
ABSTRACT.XLT															with Appurtenances	Grant, Bargain, Sale Deed	REMARKS	DESCRIPTION/		

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Type int in black ink only									Matthew P. Berry and Yvett R. Berry	GRANTOR	
									Rightway Investments Smith Valley, LLC, a Nevada limited liablity company	GRANTEE	ABSTRACT OF TITLE
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									Doc #376994 Sig. 3/09/2006 Rec. 3/10/2006	Recorder's Document # DATE	Permit/Proof
ABSTRACT.XLT									Grant, Bargain, Sale Deed with Appurtenances	DOCUMENT DESCRIPTION/ REMARKS	

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/13/06 Page 36 of 40

JPU: 010-01-3カ + 010-01-03 WHEN RECORDED MAIL TO:

Grantee:

5945 Los Altos Pkwy #101

Sparks, NV 89434

MAIL TAX STATEMENTS TO:

Same as above

SPACE ABOVE FOR RECORDER'S USE ONLY

Requested By STEMART TITLE CARSON

Recorded By: MCM

Lyon County - NV C. Nilligan - Recorder

of 4

Record

Fee: \$42.00

RPTT: \$19,500.00

APN No.: 010-011-32 010-011-03 R.P.T.T. \$19,500.00

Escrow No. 5006713-RR

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That Matthew P. Berry and Yvette R. Berry, husband and wife FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do/does hereby Grant, Bargain, Sell and Convey to

Rightway Investments Smith Valley, LLC, a Nevada limited liability company

all that real property situated in the County of Lyon, State of Nevada, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Matthew P. Berry

Wette R. Berry

This instrument was acknowledged before me on .

by Matthew P. Berry and Yvette R. Berry

NOTARY PUBLIC

} ss:

TOBIE R. MAKI
Notary Public - State of Nevade.
Appointment Recorded in Washes County
No: 99-58458-2 - Expires June 5, 2007

EXHIBIT "A" LEGAL DESCRIPTION

Order No.: 05014195JA

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

PARCEL ONE:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF NEVADA, COUNTY OF LYON.

BEING A PORTION OF BOTH SECTIONS 19 AND 30 OF TI3N, R24E MDB&M AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SECTION CORNER COMMON TO SECTION 24 AND 25 OF T13N, R23E, AND SECTIONS 19 AND 30 OF T13N R24E, A POINT MARKED BY A SET 5/8 REBAR WITH AN ALUMINUM CAP AND COMMENCING THENCE;

FIRST COURSE:

N 0°32'43" E, 2432.48 FERT ALONG THE LINE COMMON TO SECTIONS 24 AND 19, TO A SET 5/8 REBAR THAT MARKS THE 1/4 SECTION CORNER COMMON TO SECTIONS 24 AND 19 THENCE;

SECOND COURSE:

S 89°47'13" E, 3790.18 FEET ALONG THE CENTERLINE OF SECTION 19, TO A SET 5/8 REBAR THAT MARKS MORTHEAST CORNER OF NW 1/4, SE 1/4 THENCE;

THIRD COURSE:

8 1°31'13" E, 1288.36 FEET ALONG THE EASTERN LINE OF THE NW 1/4, SE 1/4 OF SECTION 19, TO A 5/8 REBAR THAT MARKS THE CENTER OF THE SE 1/4 OF SECTION 19 THENCE;

FOURTH COURSE:

8 88°42'55" E, 1300.16 FEET ALONG THE NORTHERN LINE OF THE SE 1/4, SE 1/4, TO A 5/8 REBAR THAT LIES IN THE LINE COMMON TO SECTIONS 19 AND 20, A POINT FROM WHENCE THE 1/4 SECTION CORNER COMMON TO SECTIONS 19 AND 20 BEARS N 2°19'28" W, A DISTANCE OF 1313.37 FEET THENCE;

FIFTH COURSE:

Continued on next page

LEGAL DESCRIPTION - continued Order No.:05014195JA

S 2°19'28" E, 1313.37 FEET ALONG THE LINE COMMON TO SECTIONS 19 AND 20, TO A 5/8 REBAR THAT MARKS THE SECTION CORNER COMMON TO SECTIONS 19, 20, 29 AND 30 THENCE;

SIXTH COURSE:

S 0°52'56" W, 1312.45 FEET ALONG THE LINE COMMON TO SECTIONS 30 AND 29, TO THE SOUTHEAST CORNER OF ME 1/4, ME 1/4, OF SECTION 30 THENCE;

SEVENTR COURSE:

N 88°37'46" W. 1319.45 FERT ALONG THE SOUTHERN LINE OF THE NE 1/4, NE 1/4 OF SECTION 30, TO THE CENTER OF NE 1/4 THENCE;

EIGHTH COURSE:

N 0°52'28" E, 1334.42 FEET ALONG THE CENTERLINE OF THE NE 1/4 OF SECTION 30, TO A POINT THAT LIES IN THE LINE COMMON TO SECTIONS 19 AND 30, AND THE NORTHWEST CORNER OF NE 1/4, NE 1/4 THENCE;

NINTH COURSE:

N 87°40'33" W, 1320.00 FERT ALONG THE LINE COMMON TO SECTIONS 19 AND 30, TO THE 1/4 SECTION CORNER AND CONTINUING THENCE;

TENTH COURSE:

N 87°40'33" W, 1320.00 FEBT ALONG THE LINE COMMON TO SECTIONS 19 AND 30, TO A POINT THAT LIES IN THE LINE COMMON TO SECTIONS 19 AND 30, AND THE MORTHEAST CORNER OF NW 1/4, NW 1/4 OF SECTION 30 THENCE;

ELEVENTH COURSE:

8 0°52'30" W, 1378.29 FRET ALONG THE CENTERLINE OF THE NW 1/4 OF SECTION 30, TO THE CENTER OF THE NW 1/4 THENCE;

Continued on next page

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03/10/2006 004 of 4

LEGAL DESCRIPTION - continued Order No.:05014195JA

TWELFTH COURSE:

N 88°37'34" W, 1234.62 FRET ALONG THE SOUTHERN LINE OF THE NW 1/4, NW 1/4, TO A 5/8 REBAR THAT LIES IN THE LINE COMMON TO SECTION 25 AND 30, AND MARKS THE SOUTHWEST CORNER OF THE NW 1/4, NW 1/4 THENCE;

THIRTEENTH COURSE:

N 0°28'10" E, 1399.06 FRET ALONG THE LINE COMMON TO SECTION 25 AND 30, TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 10-011-32

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED JANUARY 23, 2001, AS FILE NO. 256679, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

PARCEL TWO

TOWNSHIP 13 NORTH, RANGE 24 EAST, M.D.B. & M.

Section 30 N 1/2 of SE 1/4; the NE 1/4 of SW 1/4; Lots 2 & 3, S 1/2 of NE 1/4; SE 1/4 of NW 1/4; NE 1/4 OF NW 1/4; NW 1/4 OF NE 1/4

EXCEPTING THEREFROM 1/2 of all oil and mineral rights as reserved by A.G. SHARP in Deed recorded April 24, 1953, in Book 38 of Deeds at Page 37.

ABSESSOR'S PARCEL NO. 10-011-03

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUN TERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8-8-96

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.